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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,231	10/30/2000	Ken Saito	HITA.0028	8786

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/698,231		SAITO ET AL.	
	Examiner		Art Unit	
	Toan Ton		2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5</u> | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 3-10, 15-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6441874. Although the conflicting claims are not identical, they are not patentably distinct from each other because both comprise similar subject matter, and the present claims are substantially broader than the patented claims.

Both claim a liquid crystal panel, a luminaire having at least one fluorescent lamp, housing containing at least the luminaire, at least one spacer provided between an outer surface of the lamp holder and a surface of another member which is different from the lamp holder, the lamp holder the thermal conductivity of the acrylic resin (the lamp holder) is at least lower than the thermal conductivity of silicone rubber.

Claim Rejections - 35 USC § 112

3. Claims 3-10, 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“the electrode portion” in claims 3, 15 lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3, 5, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Imoto (US 5742366).

Imoto discloses a liquid crystal display device comprising:

a liquid crystal display panel;

Art Unit: 2871

a luminaire disposed so as to irradiate the liquid crystal display panel with light, and having at least one fluorescent lamp 13;

a housing 12 containing at least the luminaire;

at least lamp holder 22 holding the fluorescent lamp at an electrode portion;

at least one spacer 23 provided between an outer surface of the lamp holder and a surface of another member (the housing) which is different from the lamp holder.

Imoto discloses that the heat conduction means 11 and the lamp holder 22 may be constituted by the same member, wherein the material being used is acrylic resin. Thus, the thermal conductivity of the acrylic resin (the lamp holder) is at least lower than the thermal conductivity of silicone rubber.

Claim Rejections - 35 USC § 103

6. Claims 4, 10, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imoto as applied to claims 3, 5, 9 above.

Per claims 4 and 16, the lamp holder 22 is made of metal, and the spacer is commonly made of materials such as rubber. Thus, the thermal conductivity of the spacer is at least equal to or lower than the thermal conductivity of the lamp holder.

Per claims 10 and 15, the use of a double-piped cold cathode fluorescent lamp yields several advantages such as suppressing heat generated, obtaining high luminance. Therefore, it would have been obvious to one of ordinary skill in the art to employ a double-piped cold cathode fluorescent lamp for several advantages such as heat-suppression, high luminance.

Art Unit: 2871

7. Claim 6-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imoto as applied to claims 3, 5, 9 above, and further in view of Takao (US 5546203).

Takao teaches a frame for fixing a liquid crystal display board to an illuminating device, wherein the frame has a cutout corresponding to a light source for releasing heat. Therefore, it would have been obvious to one of ordinary skill in the art to employ a housing and/or the lamp holder having an opening for releasing heat.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

May 28, 2003

Toan Ton
Toan Ton
Primary Examiner
Tech Center 2871